

Year 1993 (Public Law 102-484) to provide full consideration to eligible displaced Defense employees who apply for jobs in non-Defense agencies.

**§ 330.902 Coverage.**

(a) *Agencies covered.* This subpart applies to:

(1) The executive departments listed at 5 U.S.C. 101, except the Department of Defense;

(2) Government corporations in the executive branch as described at 5 U.S.C. 103; and

(3) Independent establishments in the executive branch as described at 5 U.S.C. 104, except the General Accounting Office, U.S. Postal Service, and Postal Rate Commission.

(b) *Positions covered.* This subpart applies to vacant positions being filled in the Senior Executive Service, competitive service, and excepted service. Excluded are positions determined to be of a confidential, policy-determining, policy-making, or policy-advocating character, positions filled prior to October 24, 1992, and positions for which an agency had made a final employment commitment prior to issuance of this subpart.

(c) *Actions covered.* This subpart applies to any action for which a displaced employee is within reach for appointment, including, but not limited to, selection from a competitive list of eligibles, under a direct-hire or non-competitive appointment authority, under a merit promotion action, in accordance with part 302 or 333 of this chapter, and from a list of referrals from OPM's displaced employee program.

(d) *Displaced employees covered.* Displaced employees entitled to full consideration under this subpart are competing employees as defined under part 351 of this chapter as follows:

(1) A former employee who was separated from employment with the Department of Defense by reduction in force in accordance with part 351 of this chapter during the period October 23, 1991, through October 22, 1992. Eligibility for full consideration ends when such an employee is employed at any grade level under an appointment in the same (or higher) tenure group as the appointment from which separated

at the Department of Defense, or October 22, 1994, whichever occurs first; and

(2) An employee of the Department of Defense who receives, during the period from October 23, 1991, through September 30, 1997, a specific notice of separation by reduction in force in accordance with part 351 of this chapter. The employee is entitled to full consideration beginning on the date of the specific notice of separation or October 23, 1992, whichever is later. If the employee is actually separated, eligibility for full consideration ends when the employee is employed at any grade level under an appointment in the same (or higher) tenure group as the appointment from which separated at the Department of Defense, or 24 months after separation from the Department of Defense, whichever occurs first. If the notice of separation from the Department of Defense is canceled, the employee's right to full consideration under this subpart is terminated on the date of the cancellation.

**§ 330.903 Full consideration.**

(a) In filling a vacant position for which a covered displaced employee has filed a timely application with evidence of eligibility under this subpart, an agency shall give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position. For purposes of this subpart, the following are not considered to be outside candidates:

(1) An individual entitled to reemployment or restoration rights with the agency;

(2) A Presidential appointee entitled to guaranteed reinstatement to the Senior Executive Service under § 317.703 of this chapter;

(3) An individual appointed from a reemployment priority list established by the agency in accordance with either subpart B of this part or part 302, subpart C, of this chapter;

(4) A current employee of the agency, regardless of the type of appointment under which he or she is serving; and

(5) An individual given a special needs appointment in accordance with the Federal Personnel Manual, Chapter 316.

(b) For purposes of this subpart, “full consideration” is a careful, bona fide review of the qualifications of the displaced employee as described in his or her application forms, and including an interview if the displaced employee’s qualifications are comparable to other outside candidates in the highest qualified group who are being interviewed. Before selecting another candidate from outside the agency, the agency must assure that the displaced employee was accorded at least the same degree of consideration as the other candidate.

(c) To receive full consideration under this subpart, the displaced employee must file a timely job application, request full consideration with evidence of eligibility under this subpart, and must meet all eligibility requirements for the position, including qualification requirements, appointment eligibility, and recruitment source (including geographic area) from which applications are being accepted. The displaced employee must be within reach for selection, consistent with otherwise applicable provisions of law and regulation. Evidence of eligibility under this subpart is a copy of the employee’s specific notice of separation by reduction in force and/or the SF 50, Notification of Personnel Action, documenting separation from employment with the Department of Defense as a result of reduction in force.

(d) For any position for which a covered displaced employee has applied and is eligible for full consideration, the agency must identify such employee and document the consideration given. This information must be retained with other records pertaining to the filling of the vacancy.

#### Subpart J—Prohibited Practices

##### § 330.1001 Withdrawal from competition.

An applicant for competitive examination, an eligible on a register, and an officer or employee in the executive branch of the Government shall not persuade, induce, or coerce, or attempt to persuade, induce, or coerce, directly or indirectly, a prospective applicant to withhold filing application, or an ap-

plicant or eligible to withdraw from competition or eligibility, for a position in the competitive service, for the purpose of improving or injuring the prospects of an applicant or eligible for appointment. OPM shall cancel the application or eligibility of an applicant or eligible who violates this section, and shall impose such other penalty as it considers appropriate.

[33 FR 12425, Sept. 4, 1968. Redesignated at 60 FR 67282, Dec. 29, 1995; 61 FR 691, Jan. 10, 1996]

#### Subpart K—Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections

SOURCE: 63 FR 41387, Aug. 4, 1998, unless otherwise noted.

##### § 330.1101 Purpose.

A displaced employee of the District of Columbia (DC) Department of Corrections (DOC) who is separated from his/her position as a result of the closure of the Lorton Correctional Complex, and who does not meet the qualifications and suitability requirements for Federal Bureau of Prisons law enforcement positions, is entitled to priority consideration for other Federal vacancies when he/she applies and is determined to be well-qualified.

##### § 330.1102 Duration.

This program shall terminate one year after the closing of the Lorton Correctional Complex or December 31, 2002, whichever is later.

##### § 330.1103 Definitions.

For purposes of this subpart:

(a) *Displaced employee* means a current or former employee of the District of Columbia Department of Corrections who has received a specific reduction in force (RIF) separation notice as a result of the closure of the Lorton Correctional Complex.

(b) *Does not meet the qualifications and suitability requirements for Bureau of Prisons law enforcement positions* means a DC DOC employee who has not been appointed to a Federal Bureau of Prisons law enforcement position.